



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2465

Office of FOIA Services

May 9, 2019

Mr. Taylor Amarel  
MuckRock News  
DEPT MR 70957, 411A Highland Ave.  
Somerville, MA 02144-2516

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. **19-01705-FOIA**

Dear Mr. Amarel:

This is the final response to your March 26, 2019 request for "the current number of matters that OWB is tracking. And if possible a breakdown of the numbers of matters that are categorized as a Matter Under Inquiry, Open Investigation, or Consideration in Ongoing Investigation."

As of April 12, 2019 the OWB reported tracking 1000 matters. With respect to records reflecting a breakdown of those matters being tracked, I consulted with the Division of Enforcement and the Division of Economic and Risk Analysis. I have determined that there are no existing records available that are responsive to this portion of your request. To provide the information you seek would require the SEC to create a record.

FOIA requesters are entitled only to records that an agency has in fact chosen to create and retain. In *Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 321, the court found that "an agency is not required by FOIA to create a document that does not exist in order to satisfy a request."

If you still have reason to believe that the SEC maintains the records you seek, please provide additional information, which could prompt another search. Otherwise, I conclude that no responsive information exists and I consider this request to be closed.

I am the deciding official with regard to this determination. You have the right to appeal my decision to the

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SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at [https://www.sec.gov/forms/request\\_appeal](https://www.sec.gov/forms/request_appeal), or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

If you have any questions, you can contact me at [sifordm@sec.gov](mailto:sifordm@sec.gov) or (202)551-7201. You may also contact the SEC's FOIA Public Service Center at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

Finally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov). Information concerning services offered by OGIS can be found at their website at [Archives.gov](https://www.archives.gov). Please note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.

Sincerely,



Mark P. Siford  
Counsel to the Director/Chief FOIA Officer  
Office of Support Operations